

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 2:05CV205

EASEMENTS AND RIGHTS
OF WAY OVER A TOTAL OF
1.24 ACRE OF LAND, MORE
OR LESS, IN CHEROKEE
COUNTY, NORTH CAROLINA

JOSEPH A. LEDFORD
REBECCA L. LEDFORD, his wife
REGINA K. LEDFORD
JUDY ELAINE SMITH
WAYNE SMITH, her husband

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to settle this action as provided below.

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of the Plaintiff \$52,500 as full compensation for the taking of the easements and rights-of-way rights herein condemned.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on June 22, 2005, is hereby fully and finally confirmed with respect to the easements and rights-of-way described in Exhibit A attached hereto and made a part hereof (said Exhibit A being the same as Exhibit A to the Declaration of Taking filed herein).

3. Upon receipt by the Clerk of this Court from the Plaintiff of the additional deposit required by this Judgment and Order Disbursing Funds (Judgment), the Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$52,500 payable to Jeffrey W. Norris & Associates, PLLC, Legal Trust Account and to mail said check to Jeffrey W. Norris, Esq., Norris Professional Building, 177 North Main Street, Waynesville, North Carolina 28786.

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

Signed: September 19, 2006

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge



We hereby approve and consent
to the entry of this document:

s/Thomas A. Robins

Thomas A. Robins
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-7034
Facsimile 865-632-6718
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Attorney for Plaintiff

s/Jeffrey W. Norris

Jeffrey W. Norris
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Attorney for Defendants

003778053

TRACTS MURBTR-56 & -58

Permanent easements and rights-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said rights-of-way, together with the right to clear said rights-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described lands:

TRACT NO. MURBTR-56

A parcel of land located in the Notla Township of Cherokee County, State of North Carolina, as shown on a map entitled "Murphy-Blairsville Transmission Line Tap to Ranger," drawing LW-7869, sheet P3B, R.3, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point, the said point being an iron pin which is a common corner in the lands of Regina K. Ledford, et al. (TVA Tract No. MURBTR-58), Ray C. Kilpatrick, et al., and State of North Carolina (NCSR #1596/Cook Bridge Road), the said point being on the southwest right-of-way line of the said road; thence leaving the said common corner and the said road right-of-way line and with the property line between Regina K. Ledford, et al. (TVA Tract No. MURBTR-58), and Ray C. Kilpatrick, et al., S. 43° 43' 38" W., 161 feet to a point on the centerline of the transmission line location at survey station 186+47.9; thence leaving the said property line and with the centerline of the location S. 87° 04' 07" E., 285.38 feet to a point on the northeast right-of-way line of State of North Carolina (NCSR #1596/Cook Bridge Road) and the southwest property line of Regina K. Ledford, et al., (TVA Tract

TRACTS MURBTR-56 & -58

No. MURBTR-56) at survey station 183+62.52, the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the centerline of the location and with the meanders of the said road right-of-way line and the said property line in a northwesterly direction 60.98 feet to a point on the north right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 183+96.70; thence leaving the said road right-of-way line and the said property line and with the said north right-of-way line of the location S. 87° 04' 07" E., 104.99 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 182+83.07; thence with the northwest right-of-way line of the location N. 73° 18' 25" E., 260.47 feet to a point on the property line between Regina K. Ledford, et al. (TVA Tract No. MURBTR-56) and Thomas A. Curlee, et ux.; thence leaving the said northwest right-of-way line of the location and with the said property line S. 15° 27' 02" W., 118.10 feet, crossing the centerline of the location at survey station 180+45.4 (59.05 feet), to a point on the southeast right-of-way line of the location; thence leaving the said property line and with the said southeast right-of-way line of the location S. 73° 18' 25" W., 214.93 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 182+83.07; thence with the south right-of-way line of the location N. 87° 04' 07" W., 71.55 feet to a point on the east right-of-way line of State of North Carolina (NCSR #1596/Cook Bridge Road) and west property line of Regina K. Ledford, et al. (TVA Tract No. MURBTR-56), the said point being 50 feet left of the centerline of the location at survey station 183+45.97; thence leaving the said south right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a northerly then northwesterly direction 52.87 feet to the point of beginning and containing 0.73 acre, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 182+83.07.

TRACT NO. MURBTR-58

A parcel of land located in the Notla Township of Cherokee County, State of North Carolina, as shown on a map entitled "Murphy-Blairsville Transmission Line Tap to Ranger," drawing LW-7869, sheet P3B, R.3, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point, the said point being an iron pin which is a common corner in the lands of Regina K. Ledford, et al., Ray C. Kilpatrick, et al., and State of North Carolina (NCSR #1596/Cook Bridge Road), the said point being on the southwest right-of-way line of the said road; thence leaving the said common corner and the said road right-of-way line and with the property line between Regina K. Ledford, et al., and Ray C. Kilpatrick, et al., S. 43° 43' 38" W., 94.95 feet to a point on the north right-of-way line of the transmission line location, the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the said property line and with the said north right-of-way line of the location S. 87° 04' 07" E., 143.02 feet to a point on the northeast property line of Regina K. Ledford, et al., the said point being on the aforementioned southwest right-of-way line of State of North Carolina (NCSR #1596/Cook Bridge Road) and being 50 feet right of the centerline of the location at survey station 184+61.75; thence leaving the said north right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a southeasterly then southerly direction 120.58 feet, crossing the centerline of the location at survey station 184+21.10 (64.52 feet), to a point on the south right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 183+97.01; thence leaving the said road right-of-way line and the said property line and with the said south right-of-way line of the location N. 87° 04' 07" W., 294.07 feet to a point on the aforementioned property line between Regina K. Ledford, et al., and Ray C. Kilpatrick, et al.; thence leaving the said south right-of-way line of the location and with the said property line N. 43° 43' 38" E., 132.09 feet, crossing the centerline of the location at survey station 186+47.9 (66.04 feet), to the point of beginning and containing 0.51 acre, more or less.

TRACTS MURBTR-56 & -58

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — Joseph A. Ledford and Rebecca L. Ledford, his wife (1/3 interest); Regina K. Ledford (1/3 interest); and Judy Elaine Smith and Wayne Smith, her husband (1/3 interest) (Book 1134, page 407).

Parcel identification number: 4570 17 01 9945 000